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Compilation on Israel

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a compilation of information contained in reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with international human rights mechanisms and bodies

2. Israel was invited by several human rights bodies and mechanisms to become a party to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the International Convention for the Protection of All Persons from Enforced Disappearance and the Rome Statute of the International Criminal Court, as well as seven optional protocols to human rights conventions to which it was a party, including the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.[1]

3. The Special Rapporteur on violence against women, its causes and consequences, recommended that Israel urgently remove its reservations to articles 16 and 7 (b) of the Convention on the Elimination of All Forms of Discrimination against Women, relating to equality in all matters relating to marriage and family relations, and equality in political participation, respectively.[2]

4. In 2017, the Secretary-General noted that Israel had rejected the applicability of its human rights obligations outside its national territory, and recalled that the applicability of its human rights obligations in the Occupied Palestinian Territory (i.e. the West Bank, including East Jerusalem, and the Gaza Strip) had been continuously asserted in the relevant resolutions of the General Assembly, in reports of the Secretary-General and of the United Nations High Commissioner for Human Rights, and by various human rights treaty bodies.[3] He also noted that the International Court of Justice had observed in 2004 that, because Israel exercised territorial jurisdiction over the Occupied Palestinian Territory, it was bound by human rights obligations in respect of the local population,[4] and that the Court had also observed that the obligations of Israel under the International Covenant on

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Economic, Social and Cultural Rights included "an obligation not to raise any obstacle to the exercise of such rights in those fields where competence has been transferred to Palestinian authorities".[7] He indicated that the accession by the State of Palestine to human rights treaties did not affect the obligations of Israel under international human rights law and international humanitarian law within the Occupied Palestinian Territory.[8]

5. The Special Rapporteur on violence against women recommended that Israel consider issuing a standing invitation to the special procedures of the Human Rights Council.[9]

6. The Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 indicated that the pattern of non-cooperation with the mandate was a serious concern.[10] The High Commissioner noted that, since 2008, Israel had refused to cooperate with and denied access to three successive mandate holders, stating its objections to the mandate, which it considered politically biased.[11]

7. In a resolution adopted on 23 July 2014, the Human Rights Council created an independent, international commission of inquiry to investigate violations of international humanitarian law and international human rights law in the Occupied Palestinian Territory, including East Jerusalem, particularly in the occupied Gaza Strip, in the context of the military operations conducted before, during or after 13 June 2014.[12]

8. In its 2015 report, the international commission of inquiry regretted that Israel had not responded to its repeated requests for cooperation. It also indicated that the persistent lack of implementation of recommendations made by previous commissions of inquiry, treaty bodies, special procedures and other United Nations bodies were at the heart of the recurrence of violations in Israel and the Occupied Palestinian Territory.[13] In 2017, pursuant to Human Rights Council resolution 31/35, the High Commissioner presented a review on the status of implementation of recommendations formulated to improve the human rights situation in the Occupied Palestinian Territory since 2009. The Government submitted a response.[14]

9. Israel contributed financially to the Office of the United Nations High Commissioner for Human Rights (OHCHR) in 2013, including to the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery.[15]

III. National human rights framework[16]

10. The Human Rights Committee reiterated its recommendation that Israel amend its Basic Law, which served as its bill of rights, to incorporate explicitly the principle of equality and non-discrimination.[17]

11. The Special Rapporteur on violence against women recommended that Israel amend the Basic Law to incorporate the principle of gender equality and non-discrimination in the public and private spheres.[18]

12. While noting a relevant recommendation from the previous review cycle,[19] the Committee against Torture recommended that Israel establish an independent national institution in full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).[20]

IV. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

1. Equality and non-discrimination[21]

13. The Human Rights Committee, while noting that relevant legislation was under review, was concerned that the Jewish and non-Jewish population were treated differently in several regards and that, in its domestic legal framework, Israel maintained a three-tiered

system of laws affording different civil status, rights and legal protection for Jewish Israeli citizens, Palestinian citizens of Israel and Palestinian residents of East Jerusalem.[22] The Special Rapporteur on the occupied Palestinian territories noted that Palestinians living in East Jerusalem in 1967 had been given permanent residency status, which could be revoked on a number of grounds, and that as many as 14,000 Palestinians had lost their status since 1967.[23] The Human Rights Committee indicated that Israel should ensure the equal treatment for all persons within its territory and subject to its jurisdiction, regardless of their national or ethnic origin.[24]

18. The Secretary-General noted that, in the West Bank, Israeli domestic law was applied extraterritorially to Israeli settlers, while Palestinians were subject to Israeli military law in addition to the Palestinian legal system. He indicated that the application of two different legal systems in the same territory on the sole basis of nationality or origin was inherently discriminatory.[25]

2. Development, the environment, and business and human rights[26]

19. The Special Rapporteur on the occupied Palestinian territories indicated that the industrial, agricultural and natural resource sectors in the Occupied Palestinian Territory were shrinking steadily in economic significance and employment size, owing to, inter alia, Israeli restrictions on market access and the significant loss of arable land.[27]

20. The Secretary-General noted that the production of and trade in settlement goods raised concerns about the human rights impact on Palestinians caused and exacerbated by business enterprises, and highlighted the obligation of Israel to protect individuals and communities from adverse human rights impacts by third parties, such as business enterprises, operating in territory under its effective control.[28]

3. Human rights and counter-terrorism[29]

21. The Secretary-General noted that the Counter-Terrorism Law of 2016 had expanded the definition of a "terrorist entity" and of "support to a terrorist entity" and contained broad and ambiguous language concerning "incitement". He indicated that it also made permanent provisions that were being used as temporary measures, such as those that extended detention periods for security suspects without judicial review, the use of secret evidence and the exemption of the Internal Security Agency interrogations from being recorded.[30]

III. Civil and political rights

1. Right to life, liberty and security of person[31]

22. The Secretary-General noted that, during the escalation of hostilities in Gaza in 2014, 1,860 civilians, including 556 children, had been killed, and 82 hospitals and 295 schools had been either destroyed or damaged. In total, 90 Israelis, including 11 civilians, had been killed.[32] The independent commission of inquiry on the 2014 Gaza conflict stated that questions had arisen regarding the role of senior officials who had set military policy in several areas, such as in the attacks of the Israel Defense Forces on residential buildings and the use of artillery and other explosive weapons with wide-area effects in densely populated areas.[33]

23. OHCHR noted reports of the apparent excessive use of force and unlawful killings, including extrajudicial executions, by Israeli Security Forces, indicating that there had been a sharp increase in such reports after the escalation in violence in the West Bank that had begun in mid-September 2015, both in the context of clashes and in response to attacks or alleged attacks by Palestinians in which Israelis were killed or injured.[34] It was also concerned over the widespread use of live ammunition by the security forces, in particular against stone-throwers and in the context of demonstrations.[35]

24. OHCHR also noted that concerns had been raised regarding instances where the security forces had delayed the provision of medical assistance to wounded suspects, or had intentionally blocked Palestinian first responders and ambulances.[36]

21. The Committee against Torture indicated that Israel must make further efforts to effectively prevent and sanction incidents of excessive force, including by ensuring that the rules of engagement or regulations on opening fire were fully consistent with the Convention against Torture and other relevant international standards.[37]

22. OHCHR noted that Israeli law still did not include any specific prohibition, definition or criminalization of torture.[38] The Committee against Torture noted that a bill incorporating a separate offence of torture into Israeli law was in the process of being drafted. It called upon Israel to take the measures necessary to speed up that process and ensure that the definition of torture was in full conformity with the Convention against Torture.[39]

23. In 2017, the High Commissioner noted that an estimated 6,300 Palestinians were being held in Israeli prisons, mostly outside the Occupied Palestinian Territory.[40] OHCHR indicated that most Palestinian detainees continued to be held in Israel, in violation of the Geneva Convention relative to the Protection of Civilian Persons in Time of War. It also raised concerns over continuing allegations of torture and ill-treatment of Palestinian detainees, largely during arrests, transfers and interrogation. It noted that, although the number of complaints of torture or ill-treatment involving the Israeli Security Agency had quadrupled since June 2013, not one complaint had led to a criminal investigation.[41]

24. The Committee against Torture was concerned that the necessity defence, which was contained in the Penal Law, had not been explicitly excluded for cases involving torture.[42] OHCHR indicated that, despite improvements, such as the creation of semi-independent accountability mechanisms, the necessity defence was still commonly invoked to prevent criminal investigations.[43] The Committee against Torture recommended that Israel remove necessity as a possible justification for torture.[44]

25. The Committee against Torture reiterated its previous concerns regarding administrative detention noting, inter alia, that pursuant to relevant legislation, detainees could be held in detention without charge indefinitely on the basis of secret evidence that was not made available to the detainee or his/her lawyer.[45] OHCHR indicated that the practice of administrative detention had significantly increased since 2014, with 750 Palestinians being held in July 2016, the highest number since early 2008.[46] The Committee against Torture recommended that Israel urgently take the measures necessary to end the practice of administrative detention and ensure that all persons in administrative detention were afforded all basic legal safeguards.[47]

26. The Committee against Torture indicated Israel should ensure that solitary confinement and equivalent measures were used only in exceptional circumstances and as a measure of last resort, and put an immediate end to and prohibit the use of such measures for juveniles and persons with psychosocial disabilities.[48]

27. In 2017, the High Commissioner expressed serious concern at reports of punitive measures against Palestinian detainees who had been participating in a mass hunger strike to demand, inter alia, an end to administrative detention and solitary confinement.[49] OHCHR indicated that, in response to a resurgence in hunger strikes, the Israeli Prisons Act had been amended in 2015 to allow judges to authorize force-feeding of detainees on hunger strike where necessary to prevent death.[50] The Committee against Torture recommended that Israel take the measures necessary to ensure that detainees engaging in hunger strikes were not subjected to feeding or other medical treatment against their will, as such practices might amount to torture or ill-treatment.[51]

28. OHCHR indicated that practices of collective punishment had significantly increased in the Occupied Palestinian Territory in recent years. It observed that family members of alleged attackers against Israelis faced a range of punitive measures, including demolitions of their homes — a practice that had resumed in mid-2014. In addition, since 2015, Israel had resumed the practice of withholding bodies of killed Palestinian attackers and alleged attackers. OHCHR highlighted that the unlawful closures and blockade of Gaza, which amounted to collective punishment, also continued to undermine the human rights of the residents.[52] The Committee against Torture was concerned at information regarding the postponement, on the basis of security concerns, of the return of the bodies of several Palestinians to their families. It recommended that Israel return them to their relatives as soon as possible so they could be buried in accordance with their traditions and religious

customs, and that Israel avoid similar situations in the future. It also recommended that Israel put an end to the policy of punitive house demolitions.[53]

2. Administration of justice, including impunity, and the rule of law[54]

29. The Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories took note of concerns expressed by numerous civil society organizations about the justice system, and the dilemma they faced as to whether or not to approach the existing Israeli justice system, civil or military, for redress.[55]

30. In 2016, in an opinion on the situation of a Palestinian woman who had been prosecuted and tried before a military tribunal, the Working Group on Arbitrary Detention recalled that it had consistently held the view that, whatever the charges, civilians should never be tried by military courts.[56]

31. The High Commissioner noted the enduring climate of impunity for Israeli law enforcement personnel and a general lack of accountability.[57] OHCHR indicated that, despite a 2011 Israel Defense Forces policy requiring immediate investigation into every killing of a civilian, other than in combat situations, few incidents had led to a criminal investigation consistent with international standards.[58]

32. The Secretary-General was concerned that one of the elements driving impunity was that policies regulating the use of force were not aligned with international human rights law and standards. He noted similar concerns with regard to the rules of engagement of the Israel Defense Forces in the occupied West Bank and Gaza, which remained confidential.[59]

33. The Secretary-General reiterated concerns regarding the failure of Israel to enforce the law against violent settlers.[60] OHCHR indicated that, although there had been a significant decline in settler violence resulting in Palestinian casualties or damage to property over the previous three years, it was very rare that police complaints filed by Palestinians in the West Bank led to an investigation.[61]

34. While noting civilian oversight of the military justice system, the High Commissioner remarked that the accountability system remained limited for violations in the Occupied Palestinian Territory owing to reported shortcomings, including physical, financial, legal and procedural barriers that restricted the ability of Palestinians to gain access to justice.[62]

35. OHCHR indicated that, nearly three years since the escalation of hostilities in Gaza, serious concerns persisted concerning the lack of accountability regarding alleged violations of international humanitarian law and violations and abuses of international human rights law. It observed that a high number of cases involving the Israel Defense Forces would not be subject to criminal investigation, owing to the decision by the Military Advocate-General to close those cases for lack of reasonable grounds for suspicion of criminal behaviour, despite serious allegations.[63] The Secretary-General noted that, when investigations were open, concern remained regarding whether they met human rights standards.[64] The Gaza Commission of Inquiry found that a necessary measure would include enhancing the independence and impartiality of the Military Advocate-General.[65]

3. Fundamental freedoms and the right to participate in public and political life[66]

36. OHCHR noted that limitations on access to religious sites, including the Al-Aqsa Mosque in East Jerusalem, had remained of concern.[67]

37. The United Nations Educational, Scientific and Cultural Organization (UNESCO) noted that defamation continued to be classified as a criminal offence under the Defamation Act and that the confidentiality of journalistic sources was not explicitly protected under Israeli law. It recommended that Israel decriminalize defamation and place it within the civil code in accordance with international standards.[68]

38. The Special Rapporteur on the situation of human rights defenders expressed serious concern at continued allegations that human rights defenders were being subjected to physical attacks, harassment, arrest, detention and death threats, particularly in the Occupied Palestinian Territory, and urged the Government to ensure a protective environment where human rights defenders could work without unlawful restrictions and

fear of retaliatory acts.[57] The Special Rapporteur on the occupied Palestinian territories recommended that Israel end the use of criminal, legal and security tools to obstruct the legitimate work of human rights defenders.[58]

39. In 2017, two special procedure mandate holders expressed concern about legislation debated or enacted that specifically targeted Israeli human rights defenders. They noted that a law passed in July 2016 required organizations that received more than half of their funding from foreign public sources, a large majority of which were human rights groups, to indicate such on all publications, stressing that it skewed public perception of human rights organizations.[59]

40. The Special Rapporteur on the occupied Palestinian territories noted that, in March 2017, the Knesset had enacted legislation that would deny an entry visa or residency permit to any non-citizen if that person had worked for an organization that had issued a public call to boycott the State of Israel or had agreed to participate in such a boycott, including those that had focused their calls for a boycott only on the Israeli settlements in the Occupied Palestinian Territory.[60]

41. The Secretary-General noted that Palestinians' freedom of movement within the Occupied Palestinian Territory was significantly restricted by a complex and multilayered system of administrative, bureaucratic constraints.[61] OHCHR noted that the closures, checkpoints, limited access to natural resources and agricultural land, and other impediments to gaining access to basic services had directly affected the human rights of hundreds of thousands of Palestinians.[62] The Special Rapporteur on the occupied Palestinian territories recommended that Israel ensure freedom of movement and the establishment of an equitable permit system for the residents of the Occupied Palestinian Territory.[63]

42. OHCHR noted that, in Gaza, the unlawful Israeli closure and blockade, and the restrictions by a neighbouring country at the Rafah crossing, had left 1.9 million Palestinians isolated.[64] The Human Rights Committee recommended that Israel lift its blockade of the Gaza Strip, insofar as it adversely affected the civilian population, and provide unrestricted access for the provision of urgent humanitarian assistance and materials needed for civilian reconstruction efforts.[65]

4. Prohibition of all forms of slavery

43. The Committee on the Rights of the Child recommended that Israel explicitly criminalize forced labour of children as a form of sale of children.[66]

44. The Special Rapporteur on violence against women noted a gap in protection and a lack of an adequate screening mechanism for the identification of victims of trafficking before they were detained.[67]

5. Right to privacy and family life[68]

45. The Working Group on the issue of discrimination against women in law and in practice noted information received indicating that, under the British Mandatory Law, which was still in force, all recognized religious communities in Israel had their own religious legal courts. It noted that the rabbinical courts, which adjudicated in accordance with religious Jewish law, discriminated against women in various ways. In particular, the refusal of a husband to divorce his wife deprived a woman of any way of obtaining a divorce and remarrying. It also observed that the sharia courts, which adjudicated in accordance with Muslim religious law, discriminated against women as regards ease of divorce for women as compared with men, including possible deprivation of the custody of children after widowhood or divorce if the woman remarried.[69] The Special Rapporteur on violence against women recommended that Israel harmonize its religious laws governing marriage and divorce with the provisions of the Convention on the Elimination of All Forms of Discrimination against Women, and eliminate its provisions that were discriminatory against women.[70]

C. Economic, social and cultural rights

1. Right to social security

46. The Office of the United Nations High Commissioner for Refugees (UNHCR) indicated that most welfare services and benefits were not accessible to asylum seekers.[83]

47. OHCHR noted that, in 2015, the Knesset had passed a temporary order for three years allowing for revocation of national insurance entitlements for children convicted of "security-related" offences, including stone-throwing.[84]

2. Right to an adequate standard of living[85]

48. The Human Rights Committee expressed concern, inter alia, about the confiscation and expropriation of Palestinian land and continuing restrictions on the ability of Palestinians in the Occupied Palestinian Territory to gain access to natural resources, including agricultural land and adequate water supply, as well as the continued construction of the wall in the West Bank and the limited allocation of permits for Palestinians to gain access to their agricultural lands situated on the other side. It noted with concern that those acts undermined the enjoyment of Palestinians of a wide range of their rights under the International Covenant on Civil and Political Rights, including the right to self-determination.[86]

49. The Secretary-General indicated that the Israeli zoning and planning policy in the West Bank, in Area C, was restrictive and discriminatory, favouring settlement interests and making it practically impossible for Palestinians living in Area C to obtain building permits. He further recalled concerns regarding the discriminatory urban planning regime in East Jerusalem, and the limitations on Palestinian development in the city.[87] OHCHR indicated that Palestinians in Area C of the West Bank and East Jerusalem faced repeated demolitions and other pressures, which created a coercive environment, putting them at risk of forcible transfer. Demolitions had increased significantly in 2016.[88]

50. The Secretary-General stated that Israel must urgently cease discriminatory and unlawful planning processes in the West Bank, including East Jerusalem, as they resulted in violations of Palestinians' rights, inter alia, to gain access to water and services, including health and education.[89] The Human Rights Committee indicated that Israel should refrain from implementing evictions and demolition orders based on discriminatory planning policies, laws and practices.[90]

51. The Secretary-General noted that Palestinian agricultural production had gone down from 50 per cent in 1968 to 4.9 per cent of gross domestic product in 2013.[91] The United Nations Conference on Trade and Development indicated that Israel had confiscated 82 per cent of Palestinian groundwater for use inside its borders or in its settlements, while Palestinians must import from Israel over 50 per cent of their water.[92] The Human Rights Council urged Israel to ensure that water resource allocation in the Occupied Palestinian Territory was not discriminatory.[93]

52. In 2017, several special procedure mandate holders noted the implementation by Israel of a decision by the Palestinian Authority to further reduce electricity supply in Gaza, deepening the humanitarian crisis. The experts highlighted the precarious conditions of hospitals, the growth of water shortages, with drinkable water becoming less available while untreated sewage was being dumped into the Mediterranean, and noted that families were struggling to safely store food.[94]

3. Right to health[95]

53. UNHCR noted that asylum seekers were not covered by the 1994 National Health Insurance Law and had limited access to health insurance.[96]

54. OHCHR noted that the closure and restrictions imposed on Gaza had affected a wide range of human rights, particularly the right to health, due to chronic shortages of drugs and the lack of adequate medical care, especially following the escalation in 2014. It also noted that Gazans requiring specialist health care were dependent on a system of referrals outside Gaza, which required permits from the Israeli authorities.[97]

4. Right to education[98]

55. UNESCO noted that the vast majority of the recommendations[99] made during the previous review cycle in relation to education referred to measures supporting equal access to education, including for minority groups and communities. It reported that records of specific legal or policy action on that issue could not be identified. It indicated that Israel could be encouraged to take further steps towards improving equitable access to education and to adopt additional measures directed at fostering education opportunities for disadvantaged and marginalized groups.[100]

56. The Special Rapporteur on the occupied Palestinian territories noted that schools in East Jerusalem had received significantly less funding than those in West Jerusalem, despite laws and High Court rulings aimed at preventing such discriminatory practices.[101]

D. Rights of specific persons or groups

1. Women[102]

57. The Special Rapporteur on violence against women indicated that patriarchal attitudes and gender stereotypes were deeply entrenched in society, and recommended that Israel put in place a comprehensive strategy targeted at women and men at all levels of society, including religious leaders, to eliminate stereotypes and patriarchal attitudes about the roles and responsibilities of women and men in the family and in society.[103]

58. The Special Rapporteur noted reports of domestic violence, indicating that the issue was seriously underreported owing to, among others, the perception that it was a private matter, particularly among women from the Jewish Orthodox, Palestinian, Bedouin and Druze communities, and a lack of trust in the authorities. She also noted reports of high rates of sexual violence, including rape, and that sexual harassment was still common.[104]

59. The Special Rapporteur recommended that Israel address underreporting and lack of investigation of cases of violence against women owing to social pressure and lack of trust in the police, that it ensure effective access to justice for all victims of gender-based violence under its jurisdiction or its effective control, and that it address the protection gap related to the absence of services for women and girls at risk of domestic violence within Arab communities.[105]

2. Children[106]

60. The United Nations Children's Fund (UNICEF) noted high rates of inequality of children in Israel, in a report in which it examined inequality in income, educational achievement, self-reported health and life satisfaction among children in developed countries.[107]

61. The Committee on the Rights of the Child was concerned that the provisions of the Protection of Children Law applied only to children under 14 years of age and recommended that Israel ensure the mandatory application of special protection measures in criminal proceedings to all child victims and witnesses up to the age of 18.[108]

62. The Secretary-General stated that the Israeli military law applicable in the West Bank that permitted the detention of Palestinian children from the age of 12 was at odds with the specific protection granted to children as members of a vulnerable group.[109]

63. OHCHR indicated that, in October 2015, the practice of holding children in administrative detention had resumed. It noted that instances of the practice, the first since December 2011, were part of an overall sharp increase in the detention of children following the escalation of violence in the West Bank in 2015. At the end of February 2016, 440 children had been detained, the highest number at any single time since 2008.[110]

64. OHCHR took note of other steps to penalize children in East Jerusalem. In 2015, the Knesset had amended the criminal law, increasing the maximum sentence for throwing stones or other objects at moving vehicles to 20 years' imprisonment when the intent to harm the occupants of the vehicle could be established, irrespective of harm caused, and 10 years when the intent could not be proved.[111]

65. The Human Rights Committee remained concerned that positive reforms in the administration of juvenile military justice, including the increase in the age of majority in the military courts from 16 to 18 years and the adoption of a number of military orders providing safeguards for children, appeared not to be implemented effectively in practice, and that Palestinian children were still exposed to arbitrary arrest and detention and often did not enjoy full procedural rights.[112]

3. Minorities and indigenous peoples[113]

66. The Special Rapporteur on violence against women noted that Jews comprised about 75.5 per cent of the population, and Arabs about 20.2 per cent. There were also over 250,000 Bedouins living in Israel.[114] The Human Rights Committee was concerned that, despite the steps taken, Israeli citizens of Arab origin continued to be underrepresented in the civil service, in particular in decision-making positions.[115]

67. The Committee was concerned at demolitions, forced evictions and displacement of Bedouin citizens of Israel living in the Negev desert and at the restricted access of Bedouins living in unrecognized and recently recognized villages in the Negev to basic services, including adequate housing, water and sanitation, health care, education and public transportation. It indicated that Israel should ensure the participation of Bedouins in the Negev in any process concerning their relocation and that any proposed relocation plan took due account of their traditional way of life and was carried out in accordance with relevant international standards.[116]

68. OHCHR noted that 1,596 Palestinians, mostly vulnerable Palestinian Bedouin and herding communities, had been forcibly evicted in 2016.[117] The Secretary-General reiterated that the planned relocation of the Bedouin and herder communities in Area C had given rise to concerns of forcible transfer.[118]

4. Migrants, refugees and asylum seekers[119]

69. The Committee on the Rights of the Child was concerned at the lack of birth certificates in particular for migrant, asylum-seeking and refugee children and recommended that Israel urgently take measures to ensure that all children within its territory had access to birth certificates.[120]

70. UNHCR expressed appreciation that the scope of the Anti-Infiltration Law was less restrictive than the 2012 version of the Law. It noted, however, that despite improvements the law provided for the automatic detention of persons considered as "infiltrators", without an individual assessment of the necessity to detain. Although the law did not prohibit the detention of children, unaccompanied minors and persons whose health could be at risk if detained were exempt. It recommended that Israel amend the Law to prohibit the detention of children and provide access to legal advice for detained persons, and ensure that detention was only used as a last resort and only after assessing the individual's particular circumstances.[121]

71. UNHCR noted that Israel did not provide information regarding the asylum proceedings to persons who might be in need of international protection, including at the borders. It also noted that assistance, legal or otherwise, was not provided and that the asylum system was struggling to handle large numbers of applications. It highlighted the situation of persons originating from certain third countries, indicating that, in the case of persons from a certain country, Israel had refrained from adopting a protection policy, and that, regarding persons from another country, it had taken the position, contrary to that of UNHCR, that their situation did not give rise to refugee status under the Convention relating to the Status of Refugees.[122]

72. UNHCR recommended that Israel simplify the asylum procedure, provide linguistic and legal assistance throughout all stages of the asylum procedure and develop alternative processing structures, such as prima facie recognition, for categories of asylum seekers that were likely at risk.[123]

5. Stateless persons[124]

73. UNHCR indicated that protection of stateless persons was limited, as the 2012 Procedure for Dealing with a Foreign Subject Claiming to be Stateless excluded from its

application individuals who entered Israel irregularly, rendering the procedure irrelevant to most stateless persons in the country. It recommended that Israel amend the Procedure in order to determine the status and provide protection to stateless persons in line with the Convention relating to the Status of Stateless Persons.[125]

E. Specific regions or territories[126]

74. OHCHR stated that settlement expansion continued, as did the retroactive legalization of settlement outposts, which were often closely linked with settler violence.[127] The Secretary-General indicated that the settler population in Area C and East Jerusalem had doubled since the Oslo Accords, reaching over 594,000 people (including an estimated 208,000 in East Jerusalem) by the end of 2015, and noted that the number was expected to rise further. He also indicated that settlement expansion and land appropriation by the Government in the occupied Syrian Golan had continued, and that in October 2016 it had reportedly approved the construction of 1,600 new homes in the illegal settlement of Katzrin.[128]

75. The Special Rapporteur on the occupied Palestinian territories noted that, in February 2017, the Knesset had passed legislation legalizing the confiscation of private Palestinian land. New legislation had sought to legalize some 3,000 housing units built on private Palestinian land in the West Bank. He recommended that Israel repeal its legislation confiscating Palestinian lands.[129]

76. The Security Council condemned all measures aimed at altering the demographic composition, character and status of the Palestinian Territory occupied since 1967, including East Jerusalem, including, inter alia, the construction and expansion of settlements, transfer of Israeli settlers, confiscation of land, demolition of homes and displacement of Palestinian civilians.[130]

77. The Human Rights Council called upon Israel to accept the de jure applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, to the Occupied Palestinian Territory, including East Jerusalem and to the occupied Syrian Golan.[131]

Notes

[1] Tables containing information on the scope of international obligations and cooperation with international human rights mechanisms and bodies for Israel are available at www.ohchr.org/EN/Countries/MENARegion/Pages/ILIndex.aspx.

[2] For relevant recommendations, see A/HRC/25/15, paras. 136.1-136.16, 136.29-136.52, 136.160, 136.166,136.188, 136.195-136.199, 136.201 and 136.236-136.237.

[3] See CAT/C/ISR/CO/5, paras. 53-54; CCPR/C/ISR/CO/4, paras. 5(d) and 5(e); and A/HRC/29/52, para.86 (e). See also the report of the Special Rapporteur on violence against women, its causes and consequences, on her mission to Israel and A/HRC/35/30/Add.5.

[4] See the report of the Special Rapporteur on violence against women, on her mission to Israel. See also A/HRC/35/30/Add.5.

[5] See A/HRC/34/38, para. 7.

[6] See *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, I.C.J. Reports 2004*, paras. 110-113.

[7] Ibid., para. 112.

[8] See A/HRC/34/38, para. 8. See also A/HRC/28/44, para. 6.

[9] See the report of the Special Rapporteur on violence against women, on her mission to Israel. See also A/HRC/35/30/Add.5.

[10] See A/71/554, para. 2. See also A/HRC/34/70, para. 2.

[11] See A/HRC/35/19, para. 55. See also A/HRC/35/G/5.

[12] See A/HRC/29/52, para. 1.

[13] Ibid., paras. 3 and 82.

[14] See A/HRC/35/19, paras. 1-3. See also A/HRC/35/G/5.

[15] OHCHR, "Funding", in *OHCHR Report 2013*, pp. 131, 139 and 169.

[16] For relevant recommendations, see A/HRC/25/15, paras. 136.17-136.20, 136.25-136.26, 136.28, 136.47-136.49, 136.54, 136.107-136.108, 136.148, 136.152-136.154, 136.157-136.158, 136.161-

136.164, 136.167, 136.194, 136.200, 136.202-136.204, 136.206-136.207, 136.218-136.219, 136.221-136.225, 137.2 and 137.5-137.7.

[17] See CCPR/C/ISR/CO/4, para. 7.

[18] See the report of the Special Rapporteur on violence against women, on her mission to Israel. See also A/HRC/35/30/Add.5.

[19] For the relevant recommendation, see A/HRC/25/15, para. 136.25 (Nigeria) (Poland) (Uruguay) (South Sudan).

[20] See CAT/C/ISR/CO/5, para. 10.

[21] For relevant recommendations, see A/HRC/25/15, paras. 136.17-136.21, 136.27, 136.53-136.63, 136.107, 136.110, 136.146, 136.203 and 137.2.

[22] See CCPR/C/ISR/CO/4, para. 7.

[23] See A/HRC/34/70, para. 14.

[24] See CCPR/C/ISR/CO/4, para. 7.

[25] See A/HRC/34/38, paras. 39-40.

[26] For the relevant recommendation, see A/HRC/25/15, para. 136.234.

[27] See A/71/554, para. 43(d).

[28] See A/HRC/34/39, para. 34. See also Human Rights Council resolution 34/31.

[29] For the relevant recommendation, see A/HRC/25/15, para. 136.133.

[30] See A/71/364, para. 67.

[31] For relevant recommendations, see A/HRC/25/15, paras. 136.22, 136.111, 136.113-136.135 and 136.192.

[32] See A/HRC/34/38, para. 41. See also press release dated 3 March 2017, available from www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15118&LangID=E.

[33] See A/HRC/29/52, para. 77.

[34] OHCHR submission for the universal periodic review of Israel, p. 1. See also A/HRC/28/80, paras. 15-17, A/HRC/31/40, paras. 10-28, A/71/364, paras. 8-15, A/HRC/34/36, paras. 7-17, and A/HRC/34/38, paras. 45-48.

[35] OHCHR submission, p. 1. See also A/HRC/31/40, paras. 20 and 23, and A/71/364, para. 12.

[36] OHCHR submission, p. 1. See also A/HRC/31/40, para. 16, and A/71/364, paras. 10-11.

[37] See CAT/C/ISR/CO/5, paras. 32-33. See also CCPR/C/ISR/CO/4, para. 13.

[38] OHCHR submission, p. 3.

[39] See CAT/C/ISR/CO/5, paras. 12-13.

[40] See press release dated 24 May 2017, available from www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21659.

[41] OHCHR submission, p. 3. See also A/HRC/31/40, para. 47, A/HRC/34/38, paras. 49-50, and A/71/364, paras. 58-60.

[42] See CAT/C/ISR/CO/5, para. 14.

[43] OHCHR submission, p. 3.

[44] See CAT/C/ISR/CO/5, para. 15.

[45] Ibid., para. 22.

[46] OHCHR submission, p. 3. See also A/HRC/34/38, para. 53.

[47] See CAT/C/ISR/CO/5, para. 23.

[48] Ibid., para. 25.

[49] See press release dated 24 May 2017, available from www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21659.

[50] OHCHR submission, p. 3.

[51] See CAT/C/ISR/CO/5, para. 27.

[52] OHCHR submission, pp. 2-3. See also A/71/352, para. 46-51, and A/HRC/34/36, para. 36.

[53] See CAT/C/ISR/CO/5, paras. 40-43. See also CCPR/C/ISR/CO/4, para. 9.

[54] For relevant recommendations, see A/HRC/25/15, paras. 136.65-136.66, 136.134-136.138 and 136.208-136.210.

[55] See A/71/352, para. 52.

[56] See A/HRC/WGAD/2016/15, para. 25.

[57] See A/HRC/34/36, para. 3. See also A/HRC/35/19, A/HRC/35/G/5, and A/HRC/29/52, para. 76.

[58] OHCHR submission, p. 6. See also A/71/364, para. 42.

[59] See A/71/364, para. 47.

[60] See A/71/355, para. 19. See also A/HRC/34/38, para. 34.

[61] OHCHR submission, p. 7. See also A/HRC/34/39, para. 19.

[62] See A/HRC/35/19, paras. 17-18. See also A/HRC/35/G/5.

[63] OHCHR submission, pp. 6-7. See also A/HRC/34/36, paras. 45-46.

[64] See A/HRC/34/38, para. 42.

[65] See A/HRC/29/52, para. 72.

[66] For relevant recommendations, see A/HRC/25/15, paras. 136.21, 136.67-136.77, 136.79-136.80, 136.109, 136.142-136.144, 136.148-136.151, 136.162, 136.169, 136.176, 136.178, 136.181, 136.211-136.218, 137.1 and 137.3.
[67] See A/HRC/35/19, para. 47. See also A/HRC/35/G/5, and A/71/355, para. 29.
[68] See UNESCO submission for the universal periodic review of Israel, paras. 5 and 11.
[69] See A/HRC/34/52/Add.1, paras. 691-694.
[70] See A/HRC/34/70, para. 66 (b).
[71] See press release dated 3 March 2017, available from www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21279&LangID=E. See also A/HRC/34/70, paras. 54-57.
[72] See A/HRC/34/70, para. 60.
[73] See A/HRC/34/38, para. 62. See also A/HRC/34/39, para. 54-55.
[74] OHCHR submission, p. 5.
[75] See A/HRC/34/70, para. 65(f).
[76] OHCHR submission, pp. 5-6. See also A/HRC/34/38, para. 30 and A/71/364, para. 28.
[77] See CCPR/C/ISR/CO/4, para. 12.
[78] See CRC/C/OPSC/ISR/CO/1, para. 27.
[79] See the report of the Special Rapporteur on violence against women, on her mission to Israel.
[80] For relevant recommendations, see A/HRC/25/15, paras. 136.23-136.24 and 136.56.
[81] See A/HRC/31/79, case No. ISR 5/2015, p. 61.
[82] See the report of the Special Rapporteur on violence against women, on her mission to Israel. See also A/HRC/35/30/Add.5.
[83] UNHCR submission for the universal periodic review of Israel, p. 3.
[84] OHCHR submission, p. 4.
[85] For relevant recommendations, see A/HRC/25/15, paras. 136.109, 136.145, 136.165, 136.226-136.229 and 136.234-136.235.
[86] See CCPR/C/ISR/CO/4, para. 17. See also OHCHR submission, p. 4. See also A/HRC/34/38, para. 20.
[87] See A/HRC/31/43, paras. 18 and 45. See also A/71/554, para. 53.
[88] OHCHR submission, p. 4. See also A/HRC/34/38, para. 29.
[89] See A/HRC/31/43, para. 69.
[90] See CCPR/C/ISR/CO/4, para. 9.
[91] See A/HRC/28/44, para. 30.
[92] See TD/B/63/3 and Corr.1, para. 34.
[93] Human Rights Council resolution 34/30.
[94] See press release dated 12 July 2017, available from www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21866.
[95] For relevant recommendations, see A/HRC/25/15, paras. 136.83-136.84.
[96] UNHCR submission, p. 3.
[97] OHCHR submission, p. 6.
[98] For relevant recommendations, see A/HRC/25/15, paras. 136.53, 136.67, 136.85-136.86, 136.91, 136.93, 136.98 and 136.102-136.103.
[99] Ibid., paras. 136.53, 136.67, 136.85-136.86, 136.91, 136.93, 136.98 and 136.102-136.103.
[100] See UNESCO submission, para. 10.
[101] See A/HRC/34/70, para. 17.
[102] For relevant recommendations, see A/HRC/25/15, paras. 136.19, 136.21, 136.60, 136.64 and 136.81.
[103] See the report of the Special Rapporteur on violence against women, on her mission to Israel. See also A/HRC/35/30/Add.5.
[104] Ibid.
[105] Ibid.
[106] For relevant recommendations, see A/HRC/25/15, paras. 136.110, 136.112-136.114, 136.116, 136.123, 136.126-136.129, 134.134, 136.126-136.141, 136.159, 136.194, 136.208, 137.2 and 137.4.
[107] See UNICEF, *Innocenti Report Card 13, Fairness for Children: A league table of inequality in child well-being in rich countries* (Florence, Italy, April 2016), pp. 4-6, 8 and 10. See also press release entitled "New figures on growing inequality among children in high-income countries", available from www.unicef.org/media/media_90862.html.
[108] See CRC/C/OPSC/ISR/CO/1, paras. 34 and 35 (a) and (b).
[109] See A/HRC/34/38, para. 59.
[110] OHCHR submission, p. 3. See also A/HRC/31/40, para. 41.
[111] Ibid., p. 4. See also A/HRC/31/40, paras. 49-50.
[112] See CCPR/C/ISR/CO/4, para. 19.
[113] For relevant recommendations, see A/HRC/25/15, paras. 136.90-136.103.

[114] See the report of the Special Rapporteur on violence against women, on her mission to Israel. See also A/HRC/35/30/Add.5.
[115] See CCPR/C/ISR/CO/4, para. 8.
[116] See CCPR/C/ISR/CO/4, para. 9.
[117] OHCHR submission, p. 5. See also A/HRC/34/38, para. 25; and CCPR/C/ISR/CO/4, para. 9.
[118] See A/HRC/31/43, para. 49.
[119] For relevant recommendations, see A/HRC/25/15, paras. 136.104-136.106, 136.147, 136.155-136.156 and 136.231-136.233.
[120] See CRC/C/OPSC/ISR/CO/1, paras. 24-25.
[121] UNHCR submission, pp. 1 and 3.
[122] Ibid., p. 2.
[123] Ibid.
[124] For the relevant recommendation, see A/HRC/25/15, para. 136.16.
[125] UNHCR submission, p. 5.
[126] For relevant recommendations see A/HRC/25/15, paras. 136.13, 136.47-136.49, 136.78, 136.107-136.108, 136.148-136.154, 136.161-136.167, 136.168, 136-191, 136.202, 136.214-136.219, 136.221-136.225, 136.230, 137.5 and 137.7.
[127] OHCHR submission, p. 7. See also A/HRC/31/43, para. 25; and A/71/355, para. 11.
[128] See A/HRC/34/39, paras. 11 and 58.
[129] See A/HRC/34/70, paras. 11 and 65 (a).
[130] See Security Council resolution 2334 (2016).
[131] Human Rights Council resolution 34/31. See also General Assembly resolutions 71/96 and 71/97.